



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

:Present:

Justice C.V. Nagarjuna Reddy, Chairman
Sri P. Rajagopal Reddy, Member
Sri Thakur Rama Singh, Member

O.P.No.30 of 2020

Between:

M/s. Tadas Wind Energy Private Limited,
Having its registered office at
IL & FS Financial Centre,
Plot C-22, G-Block, Bandra-Kurla Complex,
Bandra (East), Mumbai-400051,
Through Mr. Dipan Bhuptani .. Petitioner

And

Southern Power Distribution Company of
Andhra Pradesh Ltd., Represented by
Chief General Manager (Commercial & RA),
Vidyut Soudha, Vijayawda, Eluru Road,
Gunadala, Andhra Pradesh-520009. .. Respondent

This Original Petition having come up for hearing today in the presence
of Sri Avijeet Lala, Counsel for petitioner and Sri P. Shiva Rao, learned
Standing Counsel for the respondent and upon hearing both the Counsel, the
Commission passed the following :

ORDER:

This Original Petition is filed for the following substantive reliefs :

(i) To declare that the petitioner is entitled to be paid as per the applicable APPC rate in terms of Article 2.2 r/w. Article 1.17 of the Power Purchase Agreements;

(ii) to direct the respondent to strictly comply and abide with the provisions of the Power Purchase Agreements entered into between the parties, including the obligations enumerated in Article 2.2, Article 5.2 and Article 5.3 of the Power Purchase Agreements; and

(iii) to direct the respondent to remit the amount due i.e., Rs.39,56,67,657/- (Rupees thirty nine crores, fifty lakhs, sixty seven thousand, six hundred and fifty seven only) to the petitioner which includes Rs.32,53,86,405/- towards unpaid bills upto July 2020 generation month and Rs.7,02,81,252/- towards Late Payment Interest upto July 2020 and continue making payment towards future bills within due date.

During the pendency of the O.P., the respondent has cleared the entire principal amount in arrears leaving the LPS of Rs.7,02,81,252/- till July 2020. On a few occasions, the Commission has adjourned the case for consideration of the petitioner as to whether it is willing to waive the LPS. Today, at the hearing, Sri Avijeet Lala, learned Counsel for the petitioner, fairly submitted that the issue of payment of LPS is left to this Commission for a decision. As the respondent is in a dire financial state, the Commission feels that it would be just and appropriate to allow the claim to the extent of 50% of

LPS i.e., Rs.3.50 crores towards full and final settlement of the claim in the O.P. Accordingly, the respondent is directed to pay the said amount within two months from today.

The O.P. is accordingly disposed of.

Sd/-
Thakur Rama Singh
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
P. Rajagopal Reddy
Member

